

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 DEUTSCHE BANK NATIONAL TRUST
12 COMPANY,
13
14 vs.
15 RICHARD R. PEREZ,
16
17 Plaintiff,
18
19 Defendant.
20

CASE NO. 11-CV-2193-LAB-JMA
ORDER REMANDING CASE

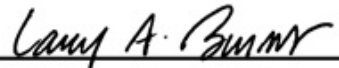
21
22 On February 24, 2011, Deutsche Bank filed an unlawful detainer action against Perez
23 in San Diego Superior Court. On September 20, 2011, Perez removed the action to this
24 Court under 28 U.S.C. § 1443, 28 U.S.C. § 1343, and 28 U.S.C. § 1441.

25 The Court is obliged to examine its own jurisdiction, *sua sponte* if necessary, *B.C. v.*
26 *Plumas Unified Sch. Dist.*, 192 F.3d 1260, 1264 (9th Cir. 1999), and to remand any removed
27 action over which it lacks jurisdiction. 28 U.S.C. § 1447(c). “Where doubt regarding the right
28 to removal exists, a case should be remanded to state court.” *Matheson v. Progressive*
Specialty Ins. Co., 319 F.3d 1089, 1090 (9th Cir. 2003). Under the well-pleaded complaint
rule, federal question jurisdiction only exists when the complaint is based on federal law;
federal questions in defenses or counterclaims are insufficient. *Vaden v. Discover Bank*, 556
U.S. 49, 129 S.Ct. 1262, 1272, 1278 (2009). Deutsche Bank’s complaint contains no federal
claims; here, the only basis for removal offered by Perez is an alleged violation of his civil
rights. He can assert those rights, however, in state court, which is the proper forum in

1 which to adjudicate an unlawful detainer action. This case is therefore **REMANDED**. The
2 hearing on Deutsche Bank's motion to remand scheduled for Monday, January 17 is
3 vacated. This case is now closed.

4
5 **IT IS SO ORDERED.**

6 DATED: January 12, 2012

7 
8 **HONORABLE LARRY ALAN BURNS**
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28